

USSN 10/675,138
Amdt. dated May 10, 2006
Reply to Office action of January 25, 2006

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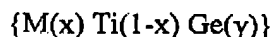
REMARKS/ARGUMENTS

This is in response to the Office action of January 25, 2006 to which a one month extension of time has been requested.

Reconsideration of this application is respectfully requested.

Claim 22 has been rejected under 35 USC 102 (e) as being anticipated by U.S. patent 5, 858, 243. This rejection is respectfully traversed. Claim 22 indicates that the material consisting essentially of antimony silicate is doped with tungsten, niobium, and/or tantalum. Such a material is not disclosed in the - 243 patent. That patent could not be described as an antimony silicate because it requires the presence of an alkali metal. In this case it becomes a molecular sieve material as it contains potassium or sodium salt and not an antimony salt.

Further, in reviewing the '243 patent, column 2, the feature of the disclosure that also pertains to the present application relates to a portion of the formula shown in column 2, lines 26 and 54 and in particular that portion of the formula disclosed below.



When the formula is considered, it is respectfully submitted that titanium must always be present. For example, when y is the smallest amount, 0, then M and titanium are present in equal amounts. When y however is greatest, 0.75, then Ge plus titanium likewise are there. A review of the working examples of the '243 patent clearly indicates that there is a requirement that significant amounts of titanium must be present in the compounds utilized and disclosed in the '243 patent.

Applicant has previously revised the claims to indicate that the extraction step

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utilizes a material that consists essentially of antimony silicate doped with one or more elements as is described in the claims. The current independent claims do not include the presence of measurable and significant amounts of titanium or Ge. Since the cited prior art requires significant amounts of titanium and Ge, then it is contrary to the claims of the present application and certainly the present application is not anticipated by the reference.

To emphasize that the presence of titanium inhibits the function of the antimony silicate, applicant has attached a declaration from Alan Minihan. Doctor Minihan has a Ph.D. in chemistry and has worked for some 21 years on the chemistry and structure of inorganic chemicals. He has reviewed the testing that was undertaken during the course of research on this project. Attached to his declaration is a table describing the preparation of various antimony silicate materials that were doped with tungsten and titanium. Paragraph six of his declaration compares the substantially different extraction results outlined in the attached data. As one can see, and as was concluded by Dr. Minihan, (PP. seven) titanium was an undesirable dopant for antimony silicate to be used for extraction of the radioactive metals from acid solution. These test results indicate that titanium is an undesirable material for the claimed antimony silicates. Accordingly therefore, claim 22 is not anticipated by the prior reference because titanium is not included in the claims.

It is believed that the submission of the Declaration by Dr. Minihan is timely in light of the Examiner's new rejection under 35 USC 102 (e).

Claims 2-4, 17-19 and 22 are rejected under 35 U.S.C. § 103 as being

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unpatentable over Bedard (U.S. Patent 5,858,243). This rejection is respectfully traversed. As has been expressed above, the prior art requires the presence of an alkali material. Such material clearly indicates that the prior art is in the nature of a molecular sieve. In addition, the prior art requires the presence of titanium, which is not included in the claims of the present application. As has been shown by the attached declaration of Doctor Minihan, the use of titanium is an undesirable dopant for antimony silicate. Therefore the claimed invention is not obvious.

Claims 7 , 9, 10 , 20 and 21 are rejected under 35 U.S.C. § 103 as being unpatentable over Bedard (U.S. Patent 5,858,243) in view of Dietz (US 5888,398). This rejection is respectfully traversed. As has been indicated above, the – 243 patent, the primary reference, is not applicable to the invention herein. Accordingly therefore, it is not properly combined with the secondary reference. The primary reference requires the presence of titanium. The attached declaration clearly demonstrates that titanium is an undesirable dopant for an antimony silicate that is used to remove radioactive metal ions. Therefore the claimed invention is not obvious.

In light of the above, it would seem that the claims as rejected are in condition for allowance.

Applicant includes the arguments that have been submitted previously in this application and does not need to be repeat them again in this amendment.

In view of the above comments, it would appear that the application is in condition for allowance and a notification of allowance is respectfully requested.

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In the event that the Examiner does not agree that the claims are now in condition for allowance, he is courteously invited to contact the undersigned at the number given below in order to discuss any changes which the Examiner believes would lead to an allowance of the claims.

Applicant requests that the amendment be entered in order to place the case in condition for allowance or to simplify and clarify the record on appeal. The declaration is being submitted now because of the difficulties in fully communicating with overseas clients and not fully appreciating the examiner's position. Applicant earnestly requests that the amendment be entered not only because the case is now in condition for allowance but because a request for a continuing application had already been filed previously in this matter. Allowance of the claims obviously would control any further costs in prosecuting this case.

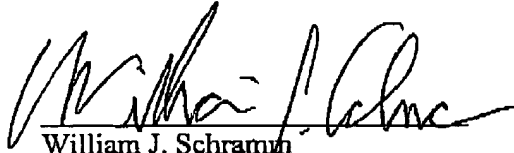
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Authorization is hereby given to charge the fee of \$120.00 for the request for the one month extension and any additional fees which are necessitated by the entry of this amendment to applicant's attorney's Deposit Account No 50-3865.

Respectfully submitted,

William J. Schramm, P.C.

A handwritten signature in black ink, appearing to read 'William J. Schramm', is written over a horizontal line.

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Date: May 10, 2006